Supreme Court, U.S.
FILED

(1) 98 333 JUN 29 1998

No. _____ OFFICE OF THE CLERK

In The

Supreme Court of the United States

October Term, 1997

GEORGE R. 'TEX' WOOD,
Petitioner,

vs.

M. BRUCE MEADOWS, Secretary
State Board of Elections
Commonwealth of Virginia,
Respondent.

On Petition for Writ Of Certiorari to the United States Court Of Appeals For The Fourth Circuit

PETITION FOR WRIT OF CERTIORARI

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32 pp

QUESTIONS PRESENTED FOR REVIEW

Preface

On May 20, 1996, Judge Jackson L. Kiser, Chief Judge of the U.S. District Court for Virginia, Western Division, issued a court order (App. at 3a) to the Virginia State Board of Elections which enjoined it from using its early June deadline for filing petitions for the U.S. Senate in the 1996 general election. Judge Kiser directed the Board to set a new filing deadline no earlier than 90 days before the general election, sometime in early August.

The Board's Motion to Stay (App. at 5a) was denied by the District Court on June 20, 1996, and later by the 4th Circuit on Aug.7, 1996 (App. at 6a).

On June 25, 1996, the Board held a news conference at which it *announced the ballot line and the order of contents* on the ballot for U.S. Senate in the general election of 1996. It had still not set a new deadline, as the federal court order had ordered it to do more than a month before.

On July 25, the Board, including an officer, was telling people who inquired about the filing deadline that the deadline had passed in early June, 1996. The Board blatantly admits to doing so and admits that when mention of the federal court order was made, it would change its mind and tell that caller that the deadline was Aug. 7, 1996.

The Board never set a new deadline until *after* the new deadline, nor was the new deadline announced until after the new deadline, and that was done nearly three months after the federal court order had directed the Board to set a new deadline.

Instead of addressing the question at hand, whether the State Board of Elections had failed to comply with the court order, the Fourth Circuit said the Board of Elections

"...no longer needs to comply with the district court's prior order" (App. at 1a), which it demonstrably never did, the crux the argument in the first place that is not addressed by the Fourth Circuit. Additionally, **questions presented for review include**

1. Whether all federal court orders involving fundamental, Constitutionally guaranteed rights can be safely ignored pending appeal despite denials of stay pending appeal, in this instance also ignoring the First and Fourteenth Amendment rights of all voters in an entire state despite their being under the further protection of a federal court order.

2. Whether **Elrod v. Burns** 427 U.S. 347, 373 (1976) still stands as meaning "[t]he loss of 1st Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury," and whether **Bullock v. Carter** 405 U.S. 134 (1972) still means that inherent with the right to vote is the right to run, within reasonable limitations based on administrative burden, never the case in this case, the Board's admitting that it takes only 30 days to process *all* petitions (sans Presidential).

3. Whether a U.S. Senate petition filing deadline more than five full months before the general election is, indeed, violative of the First and Fourteenth Amendments.

PARTIES TO THE PROCEEDING

The caption of the case contains the names of all parties.

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APPENDIX

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Petitioner, George R. Wood, an individual and representative Virginia voter who sought access to the ballot for U.S. Senate, respectfully prays that this Court issue a writ of certiorari to review the judgement of the United States Court of Appeals for the Fourth Circuit entered February 17, 1998.

OPINIONS BELOW

The Order of the United State Court of Appeals for the Fourth Circuit (Feb 17, 1998) springs from **Wood v. Meadows** (117 F.3rd. 770 [4th Cir.1997]), with which this case was once consolidated (set forth in App. at 3a).

All U.S. Court of Appeals for the Fourth Circuit decisions and orders are in the Appendix; The Fourth Circuit order of March 30, 1998, denying petition for rehearing is set forth the Appendix at 14a. The decisions of the United States District Court for the Western District of Virginia are docketed as Civil Action No. 94-47-D.

JURISDICTIONAL GROUNDS

This Court has jurisdiction under 28 U.S.C. 1254(1) to review the decision of the Fourth Circuit of Appeals. The Fourth Circuit rendered its decision on February 17, 1998 (App. at 1a), and denied the petition for rehearing on March 30, 1998 (App. at 14a). Pursuant to Supreme Court Rule 13.3, this petition was timely filed within 90 days from the date of the denial of the Petition for Rehearing. In accordance with Rule 29.4(c), Petitioner mailed notification of this petition questioning the constitutionality of the Virginia regulation to the Commonwealth of Virginia's Attorney General's office when he mailed the attorney general's office its copies of this petition, even though the

Virginia State Board of Elections is an agency of the state of Virginia.

RELEVANT CONSTITUTIONAL AND STATUTORY PROVISIONS

Petitioner relies on the First and Fourteenth Amendments to the United States Constitution to challenge the February 17, 1998, 4th Circuit decision and further to challenge Virginia Code 24.2-507(1). Petitioner respectfully refers the Court to the Appendix materials.

CONCISE STATEMENT OF THE CASE

Culminating a federal court dispute started in the summer of 1994 to secure the First and Fourteenth Amendment rights for all the voters of the Commonwealth of Virginia, petitioner won Summary Judgement against the State Board of Elections for the Commonwealth of Virginia that enjoined the Board from enforcing the declaration of candidacy and petition filing deadline imposed on independent candidates for the office of U.S. Senator as established by Va. Code 24.2-507(1), a code requiring petitions for ballot inclusion to be filed by the second Tuesday in June of the general election year, more than five full months before the general election and for which the Board demonstrated no administrative necessity.

The court order of May 20, 1996, (App. at 3a) directed the Board to set a new deadline of no earlier than ninety (90) days before the general election...sometime in the second week of August.

The relief ordered by the federal court order was never delivered by the Virginia State Board of Elections; the effect of the Order was denied by the Board when inquiries were made, and the Board announced the content and order

of contents on the ballot long prior to the court-ordered deadline.

Although the district court declared the Virginia State Code involving ballot access un-Constitutional, **McCarthy v. Briscoe**, 429 U.S. 1317 (1976); **McInerney v. Wrightson**, 421 F. Supp 726 (1976); **Hail v. Austin**, 495 F. Supp 782 (1980); and **Goldman-Frankie v. Austin**, 727 F 2nd 603 (1984) were not applied.

No un-aligned independent has ever met the requirement set forth in Va. Code 24.2-507(1), requiring that some 15,000 signatures be submitted some 150 days before the general election. These signatures, unlike those for major party primaries, had to be certified by being sent to respective registrars throughout Virginia. That the number of required signatures is currently 10,000 has no effect on the fact that just after major party primaries/conventions, all ballot access slams shut five months before the general election, denying the voters any chance to select other candidates to run, nor does the reduction to 10,000 signatures affect the weather, either literally or in a political sense during the time presently allocated to collect signatures.

The Board admitted that it took only 30 days to certify all petitions for all offices except Presidential petitions.

Anyway, this Court, in **Bullock v. Carter** 405 U.S. 134 (1972) held that a mere argument of burden does not override fundamental Constitutional rights.

On June 25, 1996, the Board held a news conference/lottery to determine the order of appearance of candidates' names on the ballot for U.S. Senator in the November, 1996, general election, although it had no regulatory authority to do so and even though it was under a federal court order to keep the ballot line open until the second week in August. The only regulatory authority it had (Va. Code 24.2-613, app. at 17a) was to announce the

winner of a primary, in this case a Republican primary. There was no regulatory basis even to mention any other candidate. Virginia Code 24.2-534 (App. at 16a) requires only that *the winner of a primary* be announced within fourteen days of the primary voting.

All the media present disseminated the contents and order of the ballot line for U.S. Senator in the 1996 general election after, according to the AP reporter in attendance and the Washington *Post* reporter (Spencer Hsu), the Secretary of the State Board of Elections responded, "No." to questions could anyone else make the ballot. The Board blamed the media (*all* of them got it wrong?) for the mis-information, but did nothing to correct the dis-information.

Voters throughout the state were given the content and order of names on the ballot a full six weeks before the soonest possible court ordered deadline (which had yet to be set by the Board).

A person calling the Board to inquire about the deadline for U.S. Senate was told that the deadline had passed, had been on the second Tuesday in June, 1996.

If a caller happened to have heard about the court order and mentioned it, immediately the caller was given a new deadline, sometime in August.

The Board admits freely to having both announced the content and order of the ballot on June 25, 1996, despite a federal court order to keep the ballot open until the second week in August. The Board admits freely to giving out what it knew was false information regarding the deadline, only correcting it in instances when the caller happened to have heard about the federal court order.

The Board never set a new deadline as directed by the federal court order until *after* the new deadline had passed.

The petitioner faced, despite a federal court order to hold open the ballot line for U.S. Senator until the second

week in August, trying to gather signatures and additional people to gather signatures from a voting populous who had been already given the content and order of the general election ballot for U.S. Senator. Additionally, the petitioner faced a voting populous who was told if it called the Board of Elections that the deadline had already passed, when indeed it had not and the Board knew it had not. In essence, the populous was told by the Board that anyone still collecting signatures was nuts.

By at best circumventing the May 20, 1996, court order to hold open the U.S. Senate ballot line until August, 1996, the Board's actions ensured that the voters of the Commonwealth of the State of Virginia would once again be stuck with only the two major party (which enacted the un-Constitutional regulation in the first place) candidates *a full five months before the general election*.

The Fourth Circuit ruled that such actions by the Board were fine (Feb. 17, 1998, and March 30, 1998, decisions in appendix at 1a and 14a). The Fourth Circuit also denied petitioner Wood's motion to expedite despite the looming general election.

The respondent's not following the federal court order runs contrary to this Court's recognition that disenfranchisement occurs when one is forced to execute an ineffective ballot the same as when one is entirely denied the right to vote, **Reynolds v. Sims**, 377 U.S. at 555, 565 (1965). In **Williams v. Rhodes**, 393 U.S. 23, 32 (1968), this Court directed that governments administer the franchise as a vehicle for the people's voice rather than be a mechanism for entrenching interests, parties, or particular points of view, as captured by Justice White in **Board of Estimate v. Morris**, 489 U.S. 23, 32 (1989).

The Virginia Code found un-Constitutional is formulated by only the two major parties, and the regulation

serves only to foster and perpetuate their solitary lock on ballot access in Virginia and to manacle the democratic process.

Also in **Rhodes**, 393 U.S. at 32, the First Amendment neutrality principle...that the state cannot favor certain political parties...is violated by the Board's not following the federal court order because the Board slammed shut all ballot access immediately after the major parties had named their candidates, but a full 150 days before the general election, ensuring that only major party candidates would be on the ballot, even though the Board had admitted in its own affidavit from Operations Director Audrey S. Piatt, Virginia State Board of Elections, that it takes only 30 days to certify petition signatures for all offices (*sans* Presidential).

The Board put forth no effective argument of burden and yet still did not comply with the federal court order to keep the ballot line for U.S. Senate open until the second week in August.

REASONS FOR GRANTING THE PETITION

Among and in addition to the afore-mentioned special and important reasons this Court should grant this Writ of Certiorari are

1. Such decisions by the 4th Circuit depart from accepted and usual course of judicial proceedings and decisions, and sanction such a departure by the lower court.

2. Such a decision that allows people entrusted with the public trust to circumvent a federal court order *dilutes the force of a federal court order*, particularly one so directly concerned with the First and Fourteenth Amendment rights of all the voters of the Commonwealth of Virginia.

3. The matter of federal judicial authority is so clearly (and so far successfully) challenged by the respondent that

judicial review by this Court is warranted and should and can be settled only by this Court.

4. The Fourth Circuit order of February 17, 1998, (the crux of the reason for this petition) (App. at 1a) evaded and missed the basic argument at hand beginning with the assumption and assertion that the Board of Elections had ever complied with the May 20, 1996, district court order..."the Commonwealth no longer needs to comply with the district court's prior order." The argument is that the Board never complied with the order, and that assertion was the bone of contention from the outset and has yet to be addressed.

5. The public importance of these issues affects and ranges far beyond the interests of the parties to this case.

6. The U.S. Court of Appeals for the Fourth Circuit's decision runs contrary to **Elrod v. Burns**, 427 U.S. 347, 373 (1976) and to **Bullock v. Carter**, 405 U.S. 134 (1972).

7. The Fourth Circuit Court of Appeals ignored and circumvented petitioner's attempt to seek *judicial* redress.

8. U.S.C. 42 (1983) applies.

CONCLUSION

For the foregoing reasons, the decision of the United States Court of Appeals for the Fourth Circuit should be reversed.

Respectfully submitted,

George R. Wood

George R. Wood, Petitioner
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Appendices

Appendix A
U.S. COURT OF APPEALS
FOR THE FOURTH CIRCUIT

FILED
February 17, 1998

No. 96-2102
CA-94-47-D

George R. Wood, a/k/a George R. "Tex" Wood,

Plaintiff - appellant,

versus

M. Bruce Meadows, Secretary of the State Board of Elections, Commonwealth of Virginia,

Defendant - Appellee.

ORDER

Appellant George R. Wood appeals from the district court's orders ruling on his motions to show cause why the Commonwealth should not be help in contempt and in violation of a federal court order.

We dismiss Wood's appeal as moot because this court's decision in **Wood v. Meadows**, 117 F.3rd 770 (4th Cir. 1997), reversed and remanded the district court's order. Thus, the Commonwealth no longer needs to comply with the district court's prior order.

We deny Wood's motions to show cause, for sanctions, and for expedited treatment of his motions for sanctions and motions to show cause.

Entered at the direction of Judge Luttig with the concurrence of Judge Widener and Judge Niemeyer.

FOR THE COURT

/s/ Patricia Connor
Clerk

Appendix B

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

FILED
May 20,1996
Morgan E. Scott, Jr., Clerk
by: (x) B. Gibson, Deputy Clerk

GEORGE R. "TEX" WOOD,
Plaintiff,

Civil Action No. 94-0047-D

v.

M. BRUCE MEADOWS,
Secretary of the State Board of Elections,
Commonwealth of Virginia,
Defendant

ORDER

For the reasons set forth in the Memorandum Opinion issued contemporaneously herewith, it is hereby ADJUDGED and ORDERED that plaintiff's motion for summary judgement be GRANTED.

The Commonwealth of Virginia is hereby ENJOINED from enforcing the declaration of candidacy and petition filing deadline imposed on independent candidates for the office of United States Senator, as established by Va. Code & 24.2-507(1). The Commonwealth shall designate a new filing date, not to precede the general election date by more than 90 (ninety) days.

The Clerk is directed {to} strike this case from the docket of this Court. Any other pending motions are hereby DISMISSED as moot.

The clerk is further directed to send a certified copy of

this Order and the accompanying Memorandum Opinion to all counsel of record.

ENTERED this 20th day of May, 1996.

(X) Jackson L. Kiser
Chief United States District Judge

(Seal) Morgan E. Scott, Jr., Clerk
By: (x) B. Gibson, Deputy Clerk

Appendix C

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

FILED
June 20, 1996
Morgan E. Scott, Jr., Clerk

GEORGE R. "TEX" WOOD,
Plaintiff

Civil Action No. 94-0047-D

v.

M. BRUCE MEADOWS,
Secretary of the State Board of Elections,
Commonwealth of Virginia,
Defendant.

ORDER

Pursuant to Fed. R. Civ. P. 62 © and Fed. R. App.P 8 (a) it is hereby ADJUDGED and ORDERED that the defendant's motion for stay upon appeal be DENIED.

It is FURTHER ORDERED that the requirement of the defendant's bond we WAIVED for the pendency of the defendant's appeal.

The Clerk is directed to certify the record of this action to the United States Court of Appeals for the Fourth Circuit.

The Clerk if further directed to send a certified copy of the Order to all counsel of record and to the plaintiff *pro se*.

ENTERED this 20th day of June, 1996.

_(x) Jackson Kiser
Chief United States District Judge

(Seal) US District Court, Western District of Va. ENTERED

Appendix D

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

FILED: August 7,1996

GEORGE R. WOOD, a/k/a George R. "Tex" Wood,
Plaintiff-Appellee,

versus

M. BRUCE MEADOWS, Secretary of the State Board of Elections, Commonwealth of Virginia, Defendant-Appellant.

ORDER

The district court granted relief to the plaintiff Wood, and we have before us the motion of the Commonwealth to stay the order of the district court pending appeal. The Commonwealth initially made the same motion to the district court, which denied the motion.

We are of the opinion the motion is not well taken.

It is accordingly ADJUDGED AND ORDERED that the motion of the district court appealed from pending the appeal in this case shall be, and it hereby is, denied.

It is FURTHER ORDERED that this case is placed on the calendar for oral argument. The clerk will process the same in the regular course of business.

With the concurrences of Judge Niemeyer and Judge Michael.

/s/ H.E. Widener, Jr.
(X)_____
For the Court

Appendix E

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

FILED
Jul 24 1996
Morgan E. Scott, Jr., Clerk
by: (x) B. Gibson, Deputy Clerk

GEORGE R. "TEX" WOOD,
Plaintiff,

Civil Action No. 94-0047-D

v.

M. BRUCE MEADOWS,
Secretary of the State Board of Elections,
Commonwealth of Virginia,
Defendant

ORDER

It is hereby ADJUDGED and ORDERED that plaintiff's motion to show cause be DENIED.

Despite his pending appeal of this action, defendant has conceded the issue of the Court's jurisdiction in this motion.

Plaintiff has failed to demonstrate defendant's transgression of this Court's order, entered May 20, 1996. That order concerned only the filing deadline established for independent candidates for the United States Senate by Va. Code Ann. & 24.2-507(1). The placement of independent candidates' names on the ballot is governed by Va. Code Ann.

---

1. This uncapitalized term should not be confused with Independent candidates, who are members of a party recognized by the Commonwealth pursuant to Va. Code Ann. & 24.2-101.

2. The meeting at which this drawing occurred was held pursuant to Va. Code Ann. & 24.2-534. Section 613 does not direct a specific date.

& 613, which directs that they be listed last, in alphabetical order. Thus a lottery drawing (here conducted by defendant on June 25, 1996) pursuant to Va. Code Ann. & 24.613,2 determining the order in which the *partisan* candidates for the office of United States Senator are to be listed on the ballot, in no way affects *independent* candidates, regardless of when such drawing is held. Plaintiff's complaint is one of public perception and media coverage of the drawing properly conducted by the defendant, which has implied that the ballot is closed. The ballot is in fact not yet closed, but that is of no assistance to plaintiff's motion. It is well established that the judiciary has no authority to control either the public perception or media coverage. U.S. Const. Amend. I.

The Clerk is directed to send a certified copy of this Order to all counsel of record and to the plaintiff *pro se*.

ENTERED this 24th day of July, 1996.

(X) Jackson L. Kiser
Chief United States District Judge

(Seal) United States District Court
Western Division
by: (x) B. Gibson
Deputy Clerk

Appendix F

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

FILED
Aug. 2, 1996
Morgan E. Scott, Jr., Clerk
by: (x) B. Gibson, Deputy Clerk

GEORGE R. "TEX" WOOD,
Plaintiff,

Civil Action No. 94-0047-D

v.

M. BRUCE MEADOWS, et al.,
Defendants

ORDER

Plaintiff has filed an additional motion to show cause asserting that the defendant has failed to establish a filing deadline pursuant to the Court's May 20, 1996, order. Earlier, defendant had filed a motion to stay the order, which was denied. Therefore, the order is effective from the date of entry.

The order itself was not self-executing establishing a deadline, but directed the State Board of Elections to establish a deadline no earlier than 90 days prior to the election. If the Board of Elections intends the 90-day time frame to be the deadline, then that information should be communicated to the public-at-large.

The Board of Elections has 7 days from the date of this order in which to prove compliance.
Failing in this, the court will conduct an additional show cause hearing to consider sanctions.

The Clerk is directed to send a copy of this order to

all counsel of record.

ENTER (sic) this 2nd day of August, 1996.

(X)Jackson L. Kiser
Chief United States District Judge

(seal) United States District Court
Western District of Virginia
By: (x)B. Gibson, Deputy Clerk

Appendix G

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

FILED
Aug. 15, 1996
Morgan E. Scott, Jr., Clerk
by: (x) B. Gibson, Deputy Clerk

GEORGE R. "TEX" WOOD,
Plaintiff,

Civil Action No. 94-0047-D

v.

M. BRUCE MEADOWS, et al.,
Defendants

ORDER

In response to plaintiff's additional motion to show cause, the Court entered an order on October (sic) 2, 1996, requiring the defendants to show compliance with the Court's order of May 20, 2996. The defendants have produced sufficient evidence of compliance with the Court's order and a full explanation of the evidence. Accordingly, the plaintiff's additional motion to show cause is **DENIED**.

The clerk is directed to send a copy of this order to the plaintiff and counsel of record for the defendants.

ENTER (sic) this 15th day of August, 1996.

(X)Jackson L. Kiser
Chief United States District Judge

(seal) United States District Court
Western District of Virginia
By: (x)B. Gibson, Deputy Clerk

Appendix H

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

FILED
August 26, 1996
No. 96-1832
CA-94-47-D

GEORGE R. WOOD, a/k/a George R. "Tex" Wood
Plaintiff - Appellee

v.

M. BRUCE MEADOWS, Secretary of the State Board of Elections, Commonwealth of Virginia
Defendant - Appellant

ORDER

Appellant has filed a motion to expedite the appeal. The Court denies the motion.

For the Court,
/s/ Bert M. Montague
Clerk

Appendix I

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

FILED
Jan 22 1997
Morgan E. Scott, Jr., Clerk
by: (x) B. Gibson, Deputy Clerk

GEORGE R. "TEX" WOOD,
Plaintiff,

Civil Action No. 94-0047-D

v.

M. BRUCE MEADOWS, et al.,
Defendants

ORDER

On August 15, 1996, this court denied plaintiff's Motion to Show Cause. Accordingly, it is hereby ORDERED that plaintiff's Motion to Expedite (sic) Motion to Show Cause, Motion for Sanctions, and Motion to Expedite Motion for Sanctions, filed July 29, 1996, are DENIED as moot.

The clerk is directed to send a certified copy of this order to all counsel of record.

ENTERED this 22nd day of January, 1997.

(X) Jackson L. Kiser
Chief United States District Judge

(Seal) Morgan E. Scott, Jr., Clerk
By: (x) B. Gibson, Deputy Clerk

Appendix J

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

FILED

March 30, 1998

No. 96-2102

CA-94-47-D

GEORGE R. WOOD, a/k/a George R. "Tex" Wood

Plaintiff - Appellant

v.

M. BRUCE MEADOWS, Secretary of the State Board of Elections, Commonwealth of Virginia

Defendant - Appellee

On Petition for Rehearing with Suggestion for Rehearing In Banc

The appellant's petition for rehearing in and suggestion for rehearing in banc were submitted to this Court. As no member of this court or the panel requested a poll on the suggestion for rehearing in banc, and

As the panel considered the petition for rehearing and is of the opinion that it should be denied,

IT IS ORDERED that the petition for rehearing and suggestion for rehearing in banc are denied.

For the Court,

/s/ Patricia S. Connor

Clerk

Appendix K'

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

FILED
April 7, 1998

No. 96-2102
CA-94-47-D

Wood v. Meadows

MANDATE

The order of this court dated 2/17/98 takes effect today.

(X)Patricia S. Connor
Clerk

Appendix L

Virginia Code 24.2-534. Returns tabulated by State Board; when nominee declared. --- As soon as possible after the receipt of the certified abstract and not later than fourteen days after the day of the election, the State Board shall open and tabulate the returns. Upon completion of the tabulation the Board shall declare the nominee in the manner and form as it does in general elections. (Code 1950, 24-389; 1952, c. 4; 1970, c. 462, 24.1-192; 1978, c. 778; 1993, c. 641.)

Appendix M

Virginia Code 24.2-613. Form of the ballot. ---The ballots shall be white paper without any distinguishing mark or symbol and shall contain the names of all the candidates qualifying to have their names printed on the official ballot as provided by law. Their names shall be printed in black ink, immediately below the office for which they have qualified as candidates. The names on the ballot shall be in clear print; each name shall be on a separate line; and the type used in printing the ballots shall be plain Roman type, not smaller than twelve-point pica. Immediately to the left of and on the same line with the name of each candidate shall be printed a square, not less than one-quarter, nor more than one-half inch in size, printed thus:

[] JOHN DOE

Except as provided for primary elections, the State Board shall determine by lot the order of the political parties, and the names of all the candidates for a particular office shall appear together in the order determined for their parties. In an election district in which more than one person is nominated by one political party for the same office, the candidates' names shall appear alphabetically in their party groups under the name of the office, with sufficient space between party groups to indicate them as such. For the purpose of this section and 24.2-640, except as provided for presidential elections in 24.2-614, independent candidates shall be treated as a class under "Independent"; their names shall be placed on the ballot after the political parties; and where there is more than one independent candidate for an office, their names shall appear alphabetically.

No names of political parties shall appear on the ballot, except as provided in 24.2-614 for presidential elections.

No individual's name shall appear on the ballot more

than once for the same office.

In preparing the ballots for general, special, and primary elections, the State Board and electoral boards shall cause to be printed in not less than ten-point type, immediately below the title of any office, a statement of the number of candidates who may be voted for that office. The following language shell be used" "Vote for no more than.....") Code 1950, 24.215, 24-217; 1970, c.462, 24.1-111, 24.1-113; 1971, Ex Sess., c. 119; 1972, c. 620; 1973, c. 30; 1974, c. 428; 1980, c. 639; 1981, c. 425; 1993, c. 641.)